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Chapter 6. City Legislation

Sec. 6.1. Prior city ordinances and regulations.

All ordinances, resolutions, rules, and regulations of the City of Midland, which are not inconsistent with the provisions of this charter, in force and effect at the time of the adoption of this charter, shall continue in full force until repealed or amended.

Sec. 6.2. Ordinance enactment.

All legislation of the City of Midland shall be by ordinance or by resolution. The word "resolution" as used in this charter shall be the official action of the Council in the form of a motion, and such action shall be limited to matters required or permitted to be done by resolution by this charter or by state or Federal law and to matters pertaining to the internal affairs or concerns of the city government. All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be, "The City of Midland Ordains:". Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced. No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended, shall be re-enacted and published at length, and all ordinances, when enacted, shall be immediately recorded by the Clerk in a book to be called "The Ordinance Book"; and it shall be the duty of the Mayor and Clerk to authenticate such record by their official signatures thereon.

Constitution reference--Power of city to adopt resolutions and ordinances relative to municipal concerns, Art. VII, § 22.

State law reference(s)--Charter to provide for adopting, amending and repealing ordinances, and publication thereof, M.S.A., § 5.2073(k).

Sec. 6.3. Penalties.

All offenses in this charter declared to constitute misdemeanors or misconduct in office, and all violations of city ordinances shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both in the discretion of the court, except that any officer of the city found guilty of any act declared by this charter to constitute misconduct in office shall, in addition to such fine or imprisonment, or both, forfeit his office.

Sec. 6.4. Publication of ordinances.

Each ordinance passed by the Council shall be published at least once within fifteen (15) days after its adoption. The publication of any ordinance in full after its final passage as a part of the published proceedings of the Council shall constitute publication of such ordinance as required herein.

Sec. 6.5. Effective date of ordinances.

Ordinances of the city shall become effective immediately upon the publication thereof, unless a date upon which an ordinance shall become effective, which is subsequent to the date of the publication thereof, is specifically provided in the ordinance itself.

Sec. 6.6. Technical codes.

The Council may adopt any provision of state law or any detailed technical regulations as a city ordinance or code by citation of such provision of state law or by reference to any recognized standard code, official or unofficial, provided that any such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any recognized official or unofficial standard code is so adopted, it may be published by providing and maintaining available to the public not less than fifty (50) copies in book or booklet form at a reasonable charge, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

State law reference(s)--Adoption of technical ordinances, M.S.A., § 5.2073 (k).

Sec. 6.7. Ordinances pertaining to certain public interests.

Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city for any purpose for a period longer than thirty (30) days shall be complete in the form in which it is finally passed, and remain on file with the Clerk for public inspection for at least one (1) week before the final passage or adoption thereof.

Sec. 6.8. Compilation.

(a) Copies of all ordinances, enacted after the effective date of this charter, and all amendments to this charter shall be prepared and kept on hand in the office of the Clerk available for public distribution.

(b) Within one (1) year after the first Council elected under this charter takes office, and at least once in every ten (10) years thereafter, the Council shall direct the compilation or codification and publication of not less than fifty (50) copies of the charter and of all ordinances of the city, then in force, in looseleaf or pamphlet form, and may provide for a reasonable charge for copies thereof. No further publication of any such compilation or codification shall be required for the validity thereof. In case the compilation or codification of the ordinances of the city shall have been maintained current and up-to-date during any ten (10) year period, no re-compilation or re-codification of the ordinances of the city shall be required during or at the end of such period.

(c) The copies of ordinances and of any compilation, code, or codes referred to in this chapter may be certified by the Clerk and, when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

Sec. 6.9. Initiative and referendum.

An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be had, by a petition, as hereinafter provided.

State law reference(s)--Charter may provide for initiative, referendum, M.S.A., § 5.2082.

Sec. 6.10. Petitions.

An initiatory or referendary petition shall be signed by not less than fifteen (15) per cent of the registered electors of the city, who have signed said petition within six (6) months before date of filing the petition with the Clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the Clerk. No such petition need be on one paper, but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place thereon, after his name, the date and his place of residence

by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. Any signatures obtained more than six (6) months before the filing of such petition with the Clerk shall not be counted. If found to contain an insufficient number of signatures of registered electors of the city, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify forthwith the person filing such petition, and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

Sec. 6.11. Council procedure.

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, either:

- (a) If it be an initiatory petition, adopt the ordinance as submitted in the petition;
- (b) If it be a referendary petition, repeal the ordinance to which the petition refers; or
- (c) In either case, determine to submit the proposal to the electors.

Sec. 6.12. Submission to electors.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the constitution or laws of the State of Michigan.

Sec. 6.13. Ordinance suspended.

The certification by the Clerk of the sufficiency of a referendary petition within thirty (30) days after the effective date of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.